



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

M. Nesper et al.

Application No.: 10/731,284

Filed: December 9, 2003

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Examiner: Richard R. Shaffer

Art Unit: 3733

For: **IMPLANT FOR FIXING ADJACENT BONE PLATES**

MAIL STOP: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 25, 2007.

Signature: Carol Prentice

Carol Prentice

RESPONSE TO ELECTION REQUIREMENT

Dear Sir:

This is a response to the Election Requirement mailed on December 27, 2006.

The Examiner has required, pursuant to 35 U.S.C. § 121, an election of one of the following species of inventions:

Species I: Figure 1

Species II: Figure 4

Species III: Figure 5

Applicants hereby elect Species III, corresponding to Figure 5. Claims 1-24, 27 and 28 read on the elected species.



LIPSITZ & McALLISTER, LLC

INTELLECTUAL PROPERTY ATTORNEYS

BRADFORD GREEN, BUILDING 8
755 MAIN STREET
MONROE, CONNECTICUT 06468

BARRY R. LIPSITZ
DOUGLAS M. McALLISTER

TELEPHONE: (203) 459-0200
FACSIMILE: (203) 459-0201

In re Application of: **M. Nesper et al.**
Application No.: **10/731,284**
Filed: **December 9, 2003**
For: **IMPLANT FOR FIXING ADJACENT BONE PLATES**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Art Unit: **3733**
Examiner: **Richard R. Shaffer**

Sir:

Transmitted herewith is:

- ☒ A Response to Election Requirement in the above-identified application (2 pages);
- ☒ Return receipt postage prepaid postcard;
- ☒ I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: **Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 25, 2007.**

The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 50-0625.

Very truly yours,

Barry R. Lipsitz
Attorney for Applicant(s)
Registration No. 28,637
Lipsitz & McAllister, LLC
755 Main Street
Monroe, Connecticut 06468
(203) 459-0200

Attorney Docket No.: **HOE-790**

Serial No.: 10/731,284

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This election is made without prejudice and with the understanding that upon the allowance of a generic claim, Applicants will be entitled to consideration of additional species which are dependent on or otherwise contain all the limitations of the generic claim. Currently, claim 1 is generic.

Should there be any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is invited to telephone Applicants' undersigned attorney.

Respectfully submitted,



Barry R. Lipsitz
Attorney for Applicant(s)
Registration No. 28,637
Lipsitz & McAllister, LLC
755 Main Street
Monroe, CT 06468
(203) 459-0200

ATTORNEY DOCKET NO.: HOE-790

Date: January 25, 2007